

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INTERVET, INC. and	)	
BTG INTERNATIONAL LIMITED,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 05-887-GMS-MPT
v.	)	
	)	
MERIAL LIMITED,	)	
	)	
Defendant.	)	

**SIX MONTH STATUS REPORT CONCERNING  
REEXAMINATION OF U.S. PATENT NO. 5,587,166**

The parties jointly submitted a Stipulation and Order of Stay of Action Until Final Decision in Reexamination that was granted by this Court's July 6, 2006 Order. (D.I. 27). Pursuant to the July 6, 2006 Order, this action is stayed until the final resolution of the Reexamination of U.S. Patent No. 5,587,166 ("the '166 patent Reexamination"), with the parties jointly to provide the Court with six month interval status reports, until there is a final resolution of the '166 Patent Reexamination. At that time, the parties will notify the Court of the Reexamination decision and provide a report on the final decision in the '166 Patent Reexamination. Therefore, the parties respectfully submit this six month status report.

**STATUS OF THE '166 PATENT REEXAMINATION**

The '166 Patent Reexamination initially declared by United States Patent and Trademark Office ("USPTO") is Reexamination Control No. 90/007964. After declaring Reexamination Control No. 90/007964, the USPTO declared a second Reexamination of the '166 Patent, namely Reexamination Control No. 90/008762. The USPTO then merged the proceedings of Reexamination Control No. 90/008762 into the proceedings of Reexamination Control No.

90/007964. In the merged proceedings under Reexamination Control No. 90/007964, the USPTO issued a March 17, 2008 first office action. The patentee responded to that first office action on June 17, 2008. The parties are now awaiting further action on the Reexamination of the '166 patent by the USPTO. Thus, the '166 Patent remains in Reexamination, under Control No. 90/007964, with no final resolution.

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